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Review cycle	Annual

WHISTLEBLOWING POLICY

Alternative Learning Trust's website has a whistleblowing link to the Chair of Trustees and/or CEO/Executive Principal

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1. Introduction

Alternative Learning Trust ('the Trust') is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, employees and others' concerns about any aspect of the Trust's work have a duty to come forward and voice those concerns. The Trust has established the following whistleblowing policy which acts as a framework to allow concerns to be raised confidentially and provides a thorough process for prompt action to be taken, and an appropriate investigation of the matter, to bring it to a satisfactory conclusion.

Employees and others who work within the Trust are often the first to realise that there may be something wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the employer. It may also be the case that someone with a concern is not aware of how best to raise concerns. It is important to stress that any concern raised through this policy will be confidential and treated with the utmost seriousness.

This policy also makes it clear that legitimate concerns raised can be without fear of reprisals. It is human nature to be apprehensive about raising a concern and, consequently, someone may fear harassment or victimisation for doing so. In these circumstances, despite their concern, someone may find it easier to ignore it rather than report what may be just a suspicion of wrongdoing. The Trust is committed, as part of its overall ethical framework, to provide a process and procedure that encourages freedom of speech so that this does not happen.

To ensure an effective framework for receiving and dealing with concerns, this policy aims to:

- Show who the policy applies to
- Describe the kind of activity that employees should report through this mechanism
- Explain how an employee should raise a concern within the Trust
- Provide safeguards to protect and support individuals raising concerns and those the subject of concerns
- Describe how the Trust will respond to concerns brought to its attention
- Describe how employees will receive feedback on the action taken
- Describe how an employee can take the matter further if they are dissatisfied with the response

2. Who this policy applies to:

- All employees of the Trust and its schools
- Contractors working for the Trust, on Trust premises (for example, agency staff, builders, drivers).
- Suppliers and those providing services under a contract with the Trust in their own premises.

Once a concern has been raised, the procedure within this policy must be followed.

The provisions of this policy apply to certain types of wrongdoing such as suspected fraud or impropriety and not matters of more general grievance which would be dealt with under the Trust's grievance procedures.

The wrongdoing must be in the public interest (this means that it must affect others – for example, the general public).

3. What type of wrongdoing should be reported?

It is impossible and inappropriate to try to provide an exhaustive list of activities that would constitute misconduct or malpractice, but broadly speaking, the Trust would expect to receive concerns surrounding:

- A criminal offence, actual or potential
- A failure to comply with a legal obligation
- A miscarriage of justice
- A misuse or theft of money, physical assets or the abuse of working arrangements, time recording or other human resources policies, e.g. recruitment procedures
- A misuse or abuse of Trust/school computers, its systems, data or information
- An act that breaches the Trust's financial regulations, contractual arrangements or policies
- The malpractice in dealing with or mistreatment of Trust associates
- Actions which endanger the health and safety of staff or the public
- An abuse of power or position
- Actions which cause damage to the environment
- Suspicions of bribery i.e. an inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage
- Improper conduct
- Any action intended to conceal any of the above

This policy is also a key part of Keeping Children Safe in Education and should be considered in conjunction with the Trust's Safeguarding and Child Protection Policy.

The law recognises that in some circumstances it may be appropriate to report your concerns to an external body for example, a responsible body, legal advisor or a prescribed person. It will rarely, if ever, be appropriate to alert the media.

It is important not to delay passing on any concerns.

In the event of a dispute concerning an individual's own employment, employees are encouraged to use the provisions of other policies covering disciplinary, grievance, harassment and recruitment and selection procedures.

Where the matter does not relate to a person's own employment position, it may be appropriate to use the provisions of this Whistleblowing Policy. Similarly, where the actions of an employee have an impact on a number of others and directly or indirectly affects the service provision, it may be appropriate to address the concern adopting the whistleblowing procedures.

This policy is not for disagreements with Trust or its schools' policies. However, if you reasonably believe that in following a policy, one of the actions listed in item 3 above is likely to occur, you should report it.

Within the Trust's whistleblowing process it would be likely (and appropriate) to start a formal investigation into matters raised; however, it is also possible that a more informal approach may be recommended, subject to the nature of the allegations made.

It is important to note that all concerns raised will be considered on an individual basis and it is, therefore, not appropriate to set out any firm or suggested rules for how a particular type of concern would be best dealt with.

4. What is the difference between a grievance and whistleblowing?

Whistleblowing is the term used when an employee raises a concern about a possible fraud, crime, danger or other serious risk that could threaten a vulnerable adult, child, young person, service user, colleague or the organisation's own reputation. The person blowing the whistle may not be directly or personally affected by the danger or illegality. Consequently, the whistleblower may not have a personal interest in the outcome of any investigation into their concern - they are simply trying to alert others. For this reason, the whistleblower is not expected to prove the wrongdoing; he or she is the messenger raising a concern so that others can address it.

Conversely, a grievance will usually concern an employee personally. For example, complaints about pay or working hours, the amount of work that is expected of them, or their working conditions. This means that the person raising the grievance has a vested interest in the outcome and, for this reason, is expected to be able to evidence their case.

5. Whistleblowing Officers

In accordance with the provisions of the Academy Trust Handbook (2.45) the Trust should appoint at least one Trustee and one member of staff who other staff can contact to report concerns. The following Whistleblowing Officers have been designated:

Member of staff: Emma Bradshaw (Executive Principal and Accounting Officer)
Trustee: Sam Guy (Chair of Trustees)

Hard copies to be marked *Private and Confidential-Addressee Only* and should be sent to the Trust's registered office address: Sutton West Centre, Robin Hood Lane, Sutton SM1 2SD.

The above Whistleblowing Officers will be the initial points of contact for employees who wish to use the whistleblowing procedures. The Whistleblowing Officers will seek to assist an employee to raise a concern effectively.

Staff can choose from any one of the above Whistleblowing Officers to raise their initial concerns.

Any subsequent changes in the named Officers will be communicated accordingly.

6. How to Raise a Concern

Concerns should be raised immediately before something more serious happens. If you are aware that a child or vulnerable adult has been abused or is at risk of abuse you must report it. Failure to report abuse could ultimately leave the Trust open to non-compliance of its legal duty to refer appropriate matters to the local authority and/or the Independent Safeguarding Authority. The Trust will ensure that any matter raised will be dealt with promptly, confidentially, and will be thoroughly investigated by an appropriate senior person. Staff are potentially acting as a witness, not as a complainant.

Through the provisions of this policy, the Trust encourages employees to raise concerns by completing the online form (see Appendix 2) which can be submitted directly to the chosen designated Whistleblowing Officer through the Trust's website or by post, marked *Private and Confidential-Addressee Only* as early as possible to make it easier to take effective action.

Employees are encouraged to give their name when raising a concern. All matters will be treated in the strictest confidence. You can report an incident of wrongdoing to a designated Whistleblowing Officer anonymously, but they may not be able to take the claim further if you have not provided all the information they need. Anonymous concerns will be actioned further at the discretion of the designated Whistleblowing Officers. In exercising this discretion, certain factors will be taken into account:

- The seriousness of the issues raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources

You must also state at the outset if you do not want anyone else to know it was you who raised the concern, and the Whistleblowing Officer should make every effort to protect your identity.

When raising a concern, employees are also encouraged to set out the background and history of the concern, giving names, dates, places and amounts where possible, and the reason for their concern. Absolute proof is not required as long as you can demonstrate reasonable grounds for the allegation. It is more important that concerns are raised, than seeking to provide all the available evidence at the outset. If further information is needed, this can be obtained by further investigation. Specialist Officers may be appointed to assist in an investigation.

Individuals raising a concern are, therefore, not permitted to undertake their own investigations, surveillance or to interview or visit any 'witnesses' as this could jeopardise a formal investigation.

The Trust recognises that employees may wish to seek advice from their Trade Union and indeed may invite their Trade Union (or professional association) to raise a matter on their behalf.

7. Principles of processing data under GDPR

Whilst a large proportion of whistleblowing reports are made anonymously, many contain personal data that is divulged as part of the reporting process.

The processing of personal data can greatly aid effective operation of a whistleblowing process because it allows a more detailed investigation to take place. It also enables the receiving party to provide feedback to the reporter on the outcome of an investigation.

The governing principles for processing personal data under GDPR articles 5-11 state that data should be:

- Processed lawfully, fairly and transparently
- Collected for specified, legitimate purpose
- Adequate, relevant and limited to what is necessary
- Accurate and up to date
- Kept in a form which permits identification for no longer than necessary for purpose
- Processed in a manner to ensure appropriate security of the data

Data minimisation in a whistleblowing context means data reporters and handlers only collecting data that is 'adequate, relevant and limited to what is necessary' is processed. When capturing a whistleblowing report, detail is essential. More detail can greatly aid the investigation process; however, it can be difficult to determine how much information is 'too much'. Both the reporter and the handler must avoid collecting and sharing unnecessary personal data (which is then subsequently stored and processed).

8. Safeguards

8.1 Harassment or Victimisation

The Trust recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Trust will not tolerate harassment or victimisation and will take the appropriate action to attempt to protect employees who raise a concern in good faith. However, this does not mean that if an employee raising a concern is already the subject of other

employment procedure, e.g. disciplinary or redundancy, that those procedures will be either halted or suspended.

The Trust will take steps to minimise any difficulties that the employee(s) may experience as a result of raising a concern. An employee might, as a last resort, be required to give evidence in Court or in disciplinary hearings. The Trust will advise and support the employee on this, if necessary, to reduce any anxiety they may have.

8.2 Confidentiality

As mentioned in item 5 above, the Trust will aim to protect the identity of an employee who raises a concern and who does not want their name to be disclosed to colleagues and/or the person(s) under investigation. Where an investigation takes place, the investigating officers will not disclose your identity unless they are required to do so by law: this might happen if a formal, written statement is needed as evidence, or where the matter is referred to a third party such as the police, for investigation. In no circumstances will the employee's identity be revealed before he or she is consulted.

8.3 Untrue or Malicious Allegations

This Whistleblowing Policy is in place to encourage employees to raise legitimate concerns. Consequently, if an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them.

Where an employee is shown to have made malicious or vexatious allegations, or undertaken their own investigations, surveillance, or interviewed or visited witnesses, they should be aware that disciplinary action may be taken.

9. How will the matter be progressed?

The Whistleblowing Officer in receipt of the information or allegation will carry out an initial assessment. This will seek to establish the facts of the matter and assess whether the concern has foundation and can be resolved internally. The initial assessment may identify the need for the investigation to be conducted by an independent external third party or to involve third parties to provide further information, advice or assistance – for example, involvement of other members of school staff, legal or personal advisors, the police, the Department for Children, Schools and Families and the local authority.

Records will be kept of work undertaken and actions taken throughout the investigation. The Whistleblowing Officer, possibly in conjunction with the Trust Board, will consider how best to report the findings and what corrective action needs to be taken. This may include some form of disciplinary action or third party referral such as to the police.

The whistleblower will be informed of the results of the investigation and the action taken to address the matter. Depending on the nature of the concern or allegation and whether or not it has been substantiated, the matter will be reported to the Trust Board, which will decide which other third parties should be informed e.g. police, Education and Skills Funding Agency (ESFA), local authority.

If the whistleblower is dissatisfied with the conduct of the investigation or resolution of the matter or has genuine concerns that the matter has not been handled appropriately, the concerns should be raised with the Whistleblowing Officer, the Trust Board, or should be directed to the ESFA.

Some concerns may be resolved by agreed action without the need for a formal investigation.

The Trust will inform the employee who raised the concern where possible, practical and appropriate within three working days of a concern being received, either in writing or by other means as appropriate:

- Acknowledging that the concern has been received
- Indicating how it proposes to deal with the matter
- Stating whether any initial enquiries have been made
- Stating if further investigations will take place and, if not, giving reasons

The amount of contact between the Whistleblowing Officer considering the issues and the employee(s) who raised the concern will depend on the nature of the matter raised and the potential difficulties involved and the clarity of the information provided. Initial contact with the employee(s) may be outside of the work place to protect their identity and, if necessary and mutually acceptable, subsequent meetings may be held away from work and/or outside normal working hours.

When any meeting is arranged, the employee(s) who raised the concern may be accompanied by a Trade Union or professional association representative, colleague or other representative of their choice as long as that person is not involved in the concern being discussed.

10. Outcome of investigations

The Trust accepts that an employee who raised a concern may need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, he/she will receive information about the outcomes of any investigations.

It is recognised that instances may arise where a concern has been raised but not proven which result in the whistleblower and the accused resuming a working relationship together. This, in turn, may give rise to concerns of potential victimisation or harassment. Where this is the case, reference should be made to the Trust's HR Manager.

11. The Public Interest Disclosure Act 1998

The purpose of this Act is to protect employees from victimisation that may result from raising a concern in good faith. The Act does this by affording protection to employees who raise concerns in accordance with certain criteria. Similarly, the Act also describes where protection will not be available when a disclosure is made in certain ways.

11.1 Protected Disclosures

Protection will be afforded to an employee where the concern is made in good faith and has been raised in the first instance within the Trust or to a solicitor in the process of obtaining legal advice.

Any concern raised in good faith to one of the Whistleblowing Officers will, all things being equal, qualify as a protected disclosure. Other circumstances where protection through the Act is applicable are where a disclosure is made to a prescribed regulatory body (i.e. Health and Safety Executive).

Protection would also be afforded albeit in exceptional circumstances where the employee raised a concern outside the Trust where they have a real and reasonable fear that they would suffer victimisation or that the information would be concealed, or the matter is exceptionally serious. In the event of an employee being dismissed or victimised, the Act allows the employee the right to compensation at an employment tribunal.

11.2 Unprotected Disclosures

Any disclosure not meeting the criteria for protection will be unprotected. This means, for example, that an employee making a malicious disclosure or one made hastily to the media will not be protected.

This Act is a complicated piece of legislation. Employees are, therefore, encouraged to seek specific advice from their Trade Union or their own solicitor.

The provisions of the 1998 Act address the implications that an employee may otherwise face under their contract of employment from making a disclosure. Employees should also be aware that any person about whom a disclosure is made may have rights under the common law of defamation if that disclosure contained anything which is not accurate. However, the common law defence of defamation will normally apply where any person in making a disclosure that is not accurate acts in good faith and without malice. Again, any specific legal advice as to an employee's own position should be obtained independently.

12. Raising your concern outside of the Trust

This policy is intended to provide you with a pathway to raise concerns within the Trust. The Trust Board hopes you will be able to follow this Whistleblowing Policy in the first instance. However, if this is not possible, and you feel that it is right to take the matter outside the Trust, a list of prescribed people and bodies can be found at:

<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies#education>, and includes:

- Her Majesty's Chief Inspector of Education, Children's Services and Skills
- Office of Qualifications and Examinations Regulation (Ofqual)
- Secretary of State for Education

You may also wish to report concerns externally to:

- Protect
- NSPCC Whistleblowing Helpline
- The External Auditor
- Ofsted www.gov.uk/government/organisations/ofsted/about/complaints-procedure
- The Police
- Local Authority Designated Officer (LADO) (for safeguarding concerns)

Education and Skills Funding Agency (ESFA) [How ESFA handles whistleblowing disclosures - GOV.UK \(www.gov.uk\)](#)

- Public Concern at Work
- National Audit Office Whistleblowing Disclosures - www.nao.org.uk
- Health and Safety Executive www.hse.gov.uk
- A recognised trade union
- Relevant professional bodies or regulatory organisations
- A solicitor

Employees who do take a concern outside of the Trust should ensure that they do not disclose confidential information. You should make sure that you choose the correct person or body for your specific issue, where applicable. We strongly encourage that you seek advice before reporting a concern externally to ensure that you are aware of any additional requirements that could potentially apply.

Please also refer to Appendix 3 for further information.

Person responsible for updating this policy:

CEO/Executive Principal